

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNN WOODS,

Plaintiff,

v.

ALAN KIRSCH,

Defendant.

No. 2:22-cv-00640-DAD-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding in an action brought under 42 U.S.C. § 1983. On February 12, 2024, the court ordered defendant Kirsch to supplement discovery responses and to file a statement with the court within seven days confirming that he had done so. ECF No. 38. Defendant failed to file the statement, and the court ordered him to show cause why he should not be sanctioned for failure to comply with the court's order. ECF No. 41.

In response, defendant states that the discovery ordered by the court on February 12th – and which was to be supplemented by February 19th – was completed on February 21st but, due to counsel's travel for a trial, "service and signatures were not ultimately effectuated" until April 3, 2024, one day after the court issued the order to show cause. ECF No 43. Counsel apologizes for the delay. *Id.*

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1 As the supplemental discovery responses and statement ordered by the court have now
2 been provided, it is hereby ORDERED that:

- 3 1. The April 2, 2024 order to show cause (ECF No. 41) is DISCHARGED, and
- 4 2. Plaintiff shall have 30 days from the date of this order to conduct any additional
5 discovery or discovery-related motion practice in response to defendant's
6 supplemental responses. The remaining provisions of the August 9, 2023 discovery
7 and scheduling order remain in effect. As the dispositive motion deadline has passed,
8 the court will direct the filing of pretrial statements upon the close of this 30-day
9 period.

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11 Dated: June 17, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE